

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-736

November 28, 2001

CENTRAL MAINE POWER COMPANY
Petition for Disclaimer of Jurisdiction and
Alternative Request for Approval of Property
Sale or Transfer Regarding the Sale of
Smelt Hill Dam, Consideration of Order
Authorizing Sale to State of Maine, Dept. of
Marine Resources

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

By this Order, we authorize Central Maine Power Company (CMP) to sell its Smelt Hill Dam to the State of Maine, Department of Marine Resources.

By petition on October 22, 2001, CMP requested authorization to sell its Smelt Hill Dam to the State's Department of Marine Resources. CMP states that the State intends to remove the dam to allow the free flow of water and fish in the Presumpscot River. CMP explains that in October, 1996, a flood on the river badly damaged the dam and the equipment in it. Due to the extensive damage, CMP decided its best option was to sell the dam. In 1997, Sappi, formerly S.D. Warren Company, stated to CMP that it was interested in purchasing the dam in order to remove it. The removal of the dam would assist S.D. Warren in meeting the Clean Water Act requirements. CMP states that in early 1999, the potential purchaser changed from Sappi to the State, as the general public benefit of the removal gained recognition. On September 4, 2001, CMP entered into a contract of sale with the State.

CMP states that it has not attempted to operate the dam to produce energy since October 1996. It also reports that it has been attempting to sell the dam continuously since January 1997, and that the sale to the State represents the best offer received. CMP also asserts that the decision to purchase and remove the dam by a State agency indicates that agency's opinion that purchase and removal is in the public interest.

The Smelt Hill Dam constitutes generation-related property that CMP must divest in accordance with 35-A M.R.S.A. § 3204. We find that it is reasonable for CMP to conclude that, by selling the dam to the State of Maine, Department of Marine Resources, it has satisfied its responsibilities under the Electric Restructuring Act.

Accordingly, we

O R D E R

That CMP is authorized to sell the Smelt Hill Dam to the State of Maine,
Department of Marine Resources.

Dated at Augusta, Maine, this 28th day of November, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.